

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

DONA GALLOWAY)	
Claimant)	
VS.)	
)	Docket No. 1,008,994
USD 497)	
Respondent,)	
Self-Insured)	

ORDER

Respondent appealed the April 17, 2003 Order for Medical Treatment entered by Administrative Law Judge Brad E. Avery.

ISSUES

On November 6, 2002, claimant injured her right upper extremity while helping remove an unruly student from a classroom. In the April 17, 2003 Order for Medical Treatment, Judge Avery granted claimant's request for workers compensation benefits.

Respondent contends Judge Avery erred. First, respondent argues claimant has failed to prove that her carpal tunnel syndrome symptoms are related to the November 6, 2002 accident. Second, respondent argues that claimant "sustained an acute aggravation of [her] condition in a non-work related injury" when she had a later seizure. Accordingly, respondent requests the Board to reverse the preliminary hearing order of the Judge and deny claimant's request for benefits.

Conversely, claimant contends the Order for Medical Treatment should be affirmed. Claimant argues that following the November 6, 2002 accident she has experienced pain in her right elbow and right forearm and numbness and tingling in her fingers. Moreover, claimant argues she only bruised her right forearm when she experienced a partial seizure and pinched her arm between some furniture.

The only issue before the Board on this appeal is whether claimant has proven her present need for medical treatment is related to the November 6, 2002 accident.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record compiled to date and the parties' arguments, the Board finds and concludes that the April 17, 2003 Order for Medical Treatment should be affirmed.

On November 6, 2002, while helping others physically remove an unruly student from a classroom, claimant injured her right upper extremity. Claimant initially noted a sharp pain in her right forearm. But on November 8, 2002, when claimant first sought medical treatment, she was also experiencing tingling in her fingers and pain in her elbow. Claimant was prescribed medications and therapy. Despite that treatment, claimant's symptoms did not improve.

Approximately nine or 10 days before seeing the doctor on November 26, 2002, claimant had a partial complex seizure and pinned her right arm behind some furniture. According to claimant, other than bruising the right forearm, the seizure incident did not affect the pain and tingling in her right upper extremity.

An examination of medical records introduced at the preliminary hearing indicates that on November 15, 2002, claimant reported numbness and tingling in her right upper extremity. Those same records also note that carpal tunnel testing revealed an abnormal carpal tunnel compression test, an abnormal Phalen's test and an abnormal Tinel's test over the right median nerve.

Considering the record compiled to date, the evidence establishes that claimant has proven that her present need for medical treatment is related to the November 6, 2002 accident.

WHEREFORE, the Board affirms the April 17, 2003 Order for Medical Treatment entered by Judge Avery.

IT IS SO ORDERED.

Dated this ____ day of June 2003.

BOARD MEMBER

c: Roy T. Artman, Attorney for Claimant
Kip A. Kubin, Attorney for Respondent
Brad E. Avery, Administrative Law Judge
Paula S. Greathouse, Workers Compensation Director